

July 11, 2003

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Flexibility for Delivery of Communications)	IB Docket No. 01-185
By Mobile Satellite Service Providers in)	
The 2 GHz Band, the L-Band and the)	
1.6/2.4 GHz Bands)	
)	
Review of the Spectrum Sharing Plan)	IB Docket No. 02-364
Among Non-Geostationary Satellite Orbit)	
Mobile Satellite Service Systems in the)	
1.6/2.4 GHz Bands)	
)	

COMMENTS OF GLOBALSTAR CANADA CO.

Globalstar Canada Co. ("Globalstar Canada") is pleased to submit the following comments through Canadian counsel on the Notice of Proposed Rulemaking ("NPRM") in IB Docket No. 02-364.

Globalstar Canada provides the Globalstar mobile satellite service in Canada pursuant to a spectrum licence issued to it by Industry Canada under the *Radiocommunication Act* (Canada). The licence authorizes our client to make use in Canada of the 1610 to 1618.25 MHz band for uplink purposes and the 2483.5 to 2500 MHz band for downlink purposes.

In the NPRM, the Commission has stated the following at paragraph 270:

"We also seek comment on how the U.S. Big LEO spectrum sharing plan fits with international band plans for Big LEO operations and what impact changes to the U.S. plan would have on plans in other regions."

For the following reasons, we believe any action by the Commission to reallocate spectrum used by the Globalstar MSS system in the U.S. to the operator of the Iridium MSS system would have a very serious and prejudicial impact on the ability of Industry Canada to manage Big LEO MSS spectrum in Canada. It would also seriously undermine Globalstar Canada's ability to meet the needs of its growing customer base.

The Commission recently granted a special temporary authority ("STA") to Iridium Constellation LLC and Iridium US LP (collectively "Iridium") to make use of the 1620.1 to 1621.35 MHz band (Globalstar channel 9) in the Middle East to accommodate increased traffic in that region¹. Correspondence in that proceeding² has confirmed that "the Iridium system is not currently able to assign frequencies based on geographic location". As a result, any decision by the Commission to grant Iridium the use of additional channels would have the effect, due to Iridium's technical limitations, of permitting Iridium to operate in those channels anywhere in the world that Iridium subscribers may find themselves, including in Canada.

Globalstar Canada makes use of channels 4, 5 and 6 (1613.75 to 1617.5 MHz) for uplink purposes in Canada. Since its spectrum licence includes only part of channel 7, that part channel cannot be used. Channels 1 to 3 cannot be fully utilized because of the need to protect the radioastronomy band at 1610 to 1613.8 MHz. The prime area for spectrum growth in Canada for the Globalstar system is therefore above channel 6.

Globalstar Canada has a large and growing subscribership. Of the Globalstar system's 93,000 subscribers world-wide, nearly 18,000 are subscribers of Globalstar Canada. As a result of the 70% annual growth rate in Canadian subscribers, minutes of use in Canada have increased four-fold over the past two years. At current growth rates, we forecast a need to expand the number of frequencies in use in our gateways within the next twelve months. A particularly important market for Globalstar Canada is the public safety/aviation market which includes air

¹ FCC Order DA 03-1949, released June 16, 2003

² Letter dated April 14, 2003 from Witey, Rein & Felding to Thomas S. Tycz, Chief Satellite Division, International Branch


ambulances, water bombers and search and rescue, utilizing both fixed wing and helicopter aircraft. Because of restrictions placed by U.S. aviation authorities on channels 5 and below to protect the GPS and GLONASS GNSS services, operating at 1574 to 1610 MHz, Globalstar Canada can at present use only channel 6 for the operation of the fixed terminals used in such aircraft. Given the growth in subscribership, particularly in the public safety/aviation market, Globalstar Canada is preparing to make application to Industry Canada for additional spectrum above channel 6.

Should these channels, currently held in reserve by Industry Canada, become occupied by Iridium traffic using higher-powered TDMA technology, they will become unusable in Canada by Globalstar Canada. Effectively, Globalstar Canada will have nowhere to grow and be unable to accommodate the increased demand for its services in Canada. Apart from the need to accommodate such growth, Globalstar Canada is also concerned that use by Iridium of the upper channels of the CDMA band will impair Globalstar's commitment to Industry Canada's Emergency Telecommunications programs. Activation of the Emergency Telecommunications programs would result in increased call volumes on Iridium terminals in proximity to Globalstar terminals and Iridium's use of these channels would cause harmful interference with Globalstar Canada's use of its currently licensed frequencies at channel 6 and below..

Equally important, any such Iridium traffic would be unauthorized by Industry Canada and in violation of Canadian law, in particular various provisions of the *Radiocommunication Act* (Canada). The Commission may have no desire to give extra-territorial effect to its regulatory decisions, but in view of the technical limitations of the Iridium system, a decision to grant Iridium additional spectrum in channels 9 and below will definitely have such effect. It will permit unlicensed and unlawful operations in Canada and will constrain the ability of Industry Canada to effectively plan the use of MSS L-band spectrum in Canada. We urge the Commission accordingly to consider seriously the unintended effect such regulatory action would have in Canada, and likely in other jurisdictions as well.

We will be interested to review the comments of interested parties in this proceeding, and we may wish to comment further at the reply stage.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. B. Acker', with a stylized flourish at the end.

Stephen B. Acker
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